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CONCORD, N.H.

Mr. Paul D. Farnum, Chief
Division of Administration
Department of Education
State House Annex

Dear Mr. Farnum:

You have inquired as to whether or not a school district may purchase accident insurance for the benefit of high school athletes who may be injured while playing on school teams.

It is our opinion that tax money may not be used for such purposes.

The basic authority empowering school districts to purchase insurance is contained in R. L. c. 339, s. 3 as amended by chapter 211 of the laws of 1951. R. L. c. 329, s. 2-a as added by laws 1952, chapter 207 describes the type of coverage which may be purchased legally by school districts and other municipal subdivisions. The first sentence of this new section reads as follows: "We shall be liable for the state or any municipal subdivision thereof, including any county, city, town, school district or other district, to procure the policies of insurance described in section 1 of this chapter." The types of insurance described in section 1 of chapter 329 are all liability policies. Accident insurance, which is what I understand to be the subject of your inquiry, is described in R. L. c. 331. Since school districts are limited to those types of insurance described in section 1 of chapter 329, it follows that they may not purchase accident insurance for the benefit of athletes injured in playing on school teams.

Very truly yours,

Henry Dewst, Jr.,
Assistant Attorney General

HD:RM